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C O N F I D E N T I A L SECTION 01 OF 02 BRUSSELS 000934

SIPDIS

STATE FOR EUR/WE, EUR/RPM AND S/GC

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TAGS: PTER PREL PREF BE

SUBJECT: GUANTANAMO: SPECIAL ENVOY FRIED,S MEETING WITH BELGIAN FOREIGN MINISTER DE GUCHT

REF: A. BRUSSELS 742

1B. BRUSSELS 679

1C. BRUSSELS 693

Classified By: Charge Wayne Bush for reasons 1.4 (B) and (D).

11. (C) SUMMARY: BELGIAN FOREIGN MINISTER DE GUCHT, IN A MEETING ON JUNE 30 WITH SPECIAL ENVOY FRIED, AGREED TO REVIEW SEVEN GUANTANAMO DETAINEE CASES WITH &A VIEW TO FINDING SOLUTIONS.8 FM DE GUCHT INFORMED THAT HE WOULD SEEK THE SUPPORT OF THE BELGIAN &INNER CABINET8 THE NEXT DAY (JULY 1) TO INITIATE A PROCESS TO REVIEW AND APPROVE FOR RESETTLEMENT AN UNSPECIFIED NUMBER OF DETAINEES. DE GUCHT RAISED CONCERNS OVER POSSIBLE QUESTIONS FROM THE BELGIAN PARLIAMENT ON MILITARY COMMISSIONS AND PREVENTIVE DETENTION, AND NOTED THAT DETERMINING THE LEGAL STATUS AND TRAVEL PROHIBITIONS FOR ANY RESETTLED DETAINEES WOULD TAKE SOME TIME. ON THOSE LATTER ISSUES, DE GUCHT THOUGHT THAT EU MEMBER STATES RECEIVING GUANTANAMO DETAINEES SHOULD MEET TO CONCLUDE A STANDARD PROCEDURE. S/E FRIED REQUESTED DE GUCHT PROVIDE AN INTERIM RESPONSE WITHIN TWO WEEKS, DISCUSSED POINTS TO MAKE WITH THE PARLIAMENT, AND OFFERED TO SPEAK TO THE FRENCH (WHO RECEIVED A DETAINEE IN MAY) ABOUT THEIR EXPERIENCE WITH STATUS AND TRAVEL ISSUES, WHILE CAUTIONING AGAINST ANY PROCESS THAT MIGHT DELAY BELGIUM OR OTHER EU STATES IN MOVING FORWARD ON RESETTLEMENTS. END SUMMARY.

12. (C) SPECIAL ENVOY FOR GUANTANAMO CLOSURE, AMBASSADOR DANIEL FRIED, MET ON JUNE 30 WITH BELGIAN FOREIGN MINISTER DE GUCHT AND AN ASSEMBLED TEAM FROM THE MINISTRY OF FOREIGN AFFAIRS, INCLUDING COUNTERTERRORISM COORDINATOR THOMAS BAECKELANDT, CABINET CHIEF WALTER STEVENS, SPOKESMAN MARC MICHELSSEN, AND DEPUTY DIRECTOR FOR MULTILATERAL AFFAIRS AXEL DELVOIE. S/E FRIED, JOINED BY THE CHARGE, DESCRIBED TO DE GUCHT THE POSITIVE COOPERATION THE EU AND SEVERAL EUROPEAN PARTNERS ARE PROVIDING TO THE USG IN ITS OBJECTIVE TO CLOSE THE GUANTANAMO DETENTION FACILITY. S/E FRIED THEN PASSED FILES ON SEVEN GUANTANAMO DETAINEES AND REQUESTED THE BELGIAN GOVERNMENT CONSIDER THEM FOR RESETTLEMENT. FRIED NOTED THAT THE GROUP WAS VARIED IN TERMS OF BACKGROUND AND RISKS, POINTING ALSO TO THE TWO DETAINEES WITH COURT ORDERED RELEASES (A YEMENI AND A SYRIAN). FRIED THEN ASKED WHETHER THE BELGIANS MIGHT CONSIDER UIGHUR DETAINEES ) SOME OF THE LOWEST RISK INDIVIDUALS. DE GUCHT DEMURRED, CITING THE EXPECTED CHINESE REACTION AND THEIR DIFFICULT EXPERIENCE AFTER RECEIVING THE DALAI LAMA.

13. (C) DE GUCHT RECEIVED S/E FRIED'S REQUEST POSITIVELY, STATING THAT BELGIUM WOULD "CAREFULLY STUDY THE FILES WITH A VIEW TO FINDING SOLUTIONS." HE LATER ELABORATED THAT FINDING SOLUTIONS MEANT BELGIUM WOULD LOOK TO RECEIVE SOME OF THE DETAINEES. DE GUCHT NOTED THAT THE BELGIANS WILL LIKELY REQUIRE MORE INFORMATION TO ASSIST THEIR REVIEW. S/E FRIED RESPONDED THAT THE USG WOULD ANSWER SPECIFIC QUESTIONS THROUGH INTEL LIAISON CHANNELS AND ADDITIONALLY OFFERED THAT A BELGIAN TEAM WAS WELCOME AT GUANTANAMO TO INTERVIEW DETAINEES IT IS CONSIDERING. DE GUCHT THEN PUT ASIDE HIS BRIEFING SHEET AND RAISED TWO CONCERNS: (1) EXPECTED

QUESTIONS FROM THE BELGIAN PARLIAMENT; AND (2) THE BASIS FOR PROVIDING DETAINEES WITH A LEGAL STATUS IN BELGIUM (AND IMPOSING RESTRICTIONS ON TRAVEL).

¶4. (C) DE GUCHT EXPRESSED CONCERN, NOT OVER QUESTIONS EXPECTED FROM PARLIAMENT ON THE SECURITY RISK OF THE DETAINEES, BUT ON THE LARGER PICTURE ISSUES OF FAIR TRIALS FOR DETAINEES THROUGH MILITARY COMMISSIONS AND A FUTURE PREVENTIVE DETENTION SCHEME )- THE FEAR OF A "NEW GUANTANAMO." S/E FRIED NOTED THAT THE MILITARY COMMISSIONS ARE BEING REVISED TO PROVIDE ADDED PROTECTIONS FOR THE ACCUSED AND FURTHER PROCEDURAL ACCOUNTABILITY. WHILE CONCEDING THAT PREVENTIVE DETENTION IS A MESSY ISSUE, S/E FRIED EMPHASIZED THAT ANY DECISIONS ON THAT ISSUE WOULD HOLD TRUE TO THE RULE OF LAW AND WOULD NOT BE BASED IN ANY INHERENT POWER OF THE PRESIDENT TO DETAIN. (COMMENT: EMBASSY HAS SINCE PROVIDED THE MFA WITH POINTS FROM WASHINGTON ON THE REVISION OF MILITARY COMMISSIONS AND PREVENTIVE DETENTION.)

¶5. (C) DE GUCHT CONCLUDED BY STATING HE EXPECTED TO PROVIDE AN AGREEMENT-IN-PRINCIPLE FOR BELGIUM TO TAKE SOME NUMBER OF DETAINEES BY THE END OF THE FOLLOWING WEEK. HOWEVER, HE SAID THAT A LEGAL FRAMEWORK TO ACCORD RESETTLED DETAINEES A LEGAL STATUS AND RESOLVE PROHIBITIONS ON THEIR TRAVEL WOULD TAKE LONGER. DE GUCHT THOUGHT THAT THE STATUS AND TRAVEL ISSUES COULD BE ADDRESSED TOGETHER WITH OTHER EU STATES POTENTIALLY RECEIVING DETAINEES, SUCH AS SPAIN AND PORTUGAL. S/E FRIED PUSHED BACK ON THE IDEA, POINTING OUT THAT IT WOULD OPEN THE DOOR TO DELAYS AND THAT THE EU HAS ENABLED MEMBERS TO TAKE NATIONAL DECISIONS ON THE ISSUE. NOTING THE RESETTLEMENT OF A GUANTANAMO DETAINEE IN FRANCE ON MAY 15, S/E FRIED OFFERED TO SPEAK WITH THE FRENCH ABOUT THEIR SOLUTIONS TO LEGAL

BRUSSELS 00000934 002 OF 002

STATUS AND TRAVEL ISSUES AND WOULD GET THIS INFORMATION BACK TO DE GUCHT.

¶6. (U) S/E FRIED CLEARED THIS MESSAGE.

BUSH

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